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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,752	02/25/2002	Michael S. Bottom	99-431.1	6190

719 7590 05/23/2003

CATERPILLAR INC.
100 N.E. ADAMS STREET
PATENT DEPT.
PEORIA, IL 616296490

EXAMINER

NGUYEN, LONG B

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 05/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/082,752

Applicant(s)

BOTTOM ET AL.

Examiner

Long B Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 45-52 is/are allowed.
- 6) ☒ Claim(s) 1-5, 18-22, 26, 27, 31, 38, 53 and 55-57 is/are rejected.
- 7) ☒ Claim(s) 6-17, 23-25, 28-30, 32-37, 39-44, 54, 58 and 59 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5, 18-20, 22, and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Baylor.

With respect to claims 1, 18, and 38, Baylor discloses a track joint assembly adapted to connect a track chain together, the track chain having first and second structures 28 that have limited movement relative to one another, the track joint assembly comprising a track pin 10 extending between the first and second structures 28, 34, and an insert 40 surrounding a portion of the track pin 10, the insert 40 being free floating positioned between the track pin 10 and one of the first or second structures 28, 34. The insert of Baylor is consider to be the seal 40. Insert 40 is not fixed onto the track pin, there it is in a free floating positioned.

With respect to claims 2 and 19, Baylor discloses a track joint assembly wherein the insert 40 has at least one crown shaped surface thereon (near reference character 50 in Figure 3.

With respect to claim 3 and 20, Baylor discloses a track joint assembly wherein the insert has an outermost portion and the crown shaped surface is at least partially located at the outermost portion of the insert near reference character 50 in Figure 3.

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With respect to claims 5 and 22, Baylor discloses a track joint assembly wherein the crown shaped surface is curvilinear.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 1-5, 18-22, 26-27, 31, 38, 53, 55-57 are rejected under 35 U.S.C. 102(e) as being anticipated by Gerardin et al.

With respect to claims 1, 18, 38, and 53 Gerardin et al. disclose a track joint assembly adapted to connect a track chain together, the track chain having first and second structures 16a, 18a that have limited movement relative to one another, the track joint assembly comprising a track pin 28 extending between the first and second structures 16a, 18a, and an insert 36 surrounding a portion of the track pin 28, the insert 36 being free floating positioned between the track pin 28 and one of the first or second structures 16a, 18a.

With respect to claims 2, 19, 26-27, and 56 Gerardin et al. disclose a track joint assembly wherein the insert 36 has at least one crown shaped surface thereon.

With respect to claim 3 and 20, Gerardin et al. disclose a track joint assembly wherein the insert has an outermost portion and the crown shaped surface is at least partially located at the outermost portion.

With respect to claims 4, 21, and 57, Gerardin et al. disclose a track joint assembly wherein the insert has an outer surface with an outermost portion and the crown shaped surface has a crown positioned at a substantially central location along the outer surface of the insert at the outermost portion.

With respect to claims 5, 22, 31, 40, and 55 Gerardin et al. disclose a track joint assembly wherein the crown shaped surface is curvilinear.

With respect to claim 25, Gerardin et al. disclose a track joint assembly wherein the insert is free floating positioned between the pin and both the first and second structures.

Allowable Subject Matter

5. Claims 45-52 are allowed.
6. Claims 6-17, 23-25, 28-30, 32-37, 39, 41-44, 54, and 58-59 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Barani et al, Idetsu et al., Hasselbusch et al. (U.S. Patent No. 6,382,742), Hasselbusch et al. (U.S. Patent No. 6,371,577), Taft, Baylor (U.S. Patent No. 4,076,33), Baylor (U.S. Patent 4,066,302), Baylor (U.S. Patent No. 4,029,366), and

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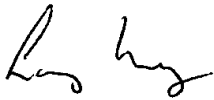
Baylor (U.S. Patent No. 4,426,091) are cited to show track links with first and second structures and an insert.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Long B Nguyen whose telephone number is 703.305.5201. The examiner can normally be reached on M-F with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 703.308.0230. The fax phone numbers for the organization where this application or proceeding is assigned are 703.872.9326 for regular communications and 703.305.5201 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.1113.

lbn
May 17, 2003

 5/17/03
LONG BAO NGUYEN
PATENT EXAMINER

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With respect to claims 5 and 22, Baylor discloses a track joint assembly wherein the crown shaped surface is curvilinear.

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